

FILED
Wayne county superior court of North Carolina

2021 DEC 22 P 3:44

WAYNE COUNTY, N.C.

BY TA

21CV52182

File no _____

Plaintiff,)
Jason Kloepper.)

Vs.)

COMPLAINT

Defendants,.)
Outback Steakhouse of)
Florida LLC,)
Bloomin' Brands inc,.)
CorVel corporation)

Complaint of negligence

Plaintiff, Jason Kloepper, is bringing this complaint against defendants Outback steakhouse of Florida LLC, Bloomin' brands inc and CorVel corporation for reasons stating and alleging below. Also there is attached statements (exhibit A,B) from The plaintiff Jason Kloepper and His fiancée Alison Mahler of what happened on December 28th, 2018

1) Employees and management of Outback Steakhouse were negligent in maintaining clean and safe floor conditions in the restrooms that resulted in the plaintiff Jason Kloepper fracturing his left knee.

2) Outback steakhouse is located 2617 N Park Dr, Goldsboro, NC 27534 D/B/A Outback steakhouse LLC of Florida and Bloomin' Brands corporation

3) Bloomin' brands and outback steakhouse of Florida llc is insured by corVel corporation

4) Plaintiff Jason Kloepper is a resident of Cherokee county and resides at 1790 upper bear paw rd. Murphy NC 28906

5) On December 28th, 2018 the defendants failed to maintain a safe and clean floor in both restrooms.

6) As a result of negligence and failure to maintain a clean and safe restroom floor the plaintiff, Jason Kloepper, suffered a multi fractured knee.

7) On December 28th, 2018 plaintiff Jason Kloepper and his fiancée Alison Mahler entered the outback steakhouse and sat down at the bar for lunch.

8) After being inside for just a few minutes Jason Kloepper received a call from his family court lawyer. Mr Kloepper stepped outside for approximately 30 min talking with his lawyer.

9) Upon Mr Kloepper returning back he told his fiancée Alison Mahler he had to use the bathroom.

10) Mr Kloepper's first step into the bathroom was met with a slick greasy floor. Because of this his foot and cane slid forward out from underneath him and he came straight down on his left knee resulting in a fractured knee.

11) Employees and fiancée's feet were sliding everywhere while trying to help the plaintiff off the floor after being notified of his fall by another customer in the restroom.

12) Manager and bartender agreed something like grease was on the floor likely from the mop they used to clean the kitchen

13) Bartender and manager provided the plaintiff with ice for his knee. There is pictures of this

14) The Manager of Outback Steakhouse stated she sent an employee to Lowes to buy a new mop head for cleaning the floors. This is also in a statement they provided that was stolen to the plaintiff while speaking with an adjuster for corVel corporation

15) Plaintiff's fiancée went into women's restroom and recorded a video of her sliding all over the restroom to show that both restrooms had the same problem

16) Plaintiff Mr Kloepper went immediately to hospital after leaving the outback steakhouse. He was told it was a bruised knee. That turned out to be wrong

17) Plaintiff was stuck at his hotel for approximately 9 days before he was able to bend his knee to drive 7 hrs back home in his truck.

18) When plaintiff Jason Kloepper arrived back home he went immediately to his knee doctor where it was determined that he had fractured his knee almost in half.

19) The injuries and damages sustained were a direct result of failure to maintain and inspect a clean and slippery free restrooms by defendants employees and management. It was negligent and reckless that the restrooms were not maintained and inspected on a regular basis with

proper cleaning products. This is a violation of duties defendants owed to the plaintiff and other customers

20) Management should have inspected the restrooms after there cleaning, if this was done management would of been aware of the hazard

21) Management acknowledged the problem after the fall and sent an employee to buy a new mop. This is in there own statement

22) The plaintiff has suffered and is still suffering physical pain from his injury.

Plaintiff has suffered and still suffering from mental stress of this incident

Plaintiff has to pay for medical and physical therapy bills

Plaintiff was caused a major setback in life because of this incident.

Plaintiff will continue for the rest of his life with pain in his knee and will get worse as he gets older.

All this will be proven at trial.

Wherefore, the plaintiff prays unto this honorable court for a judgment against the defendant's, jointly and severally, for an award in excess of \$100,000 for pain and suffering an also for actual and punitive damages

Date 12/22/21 Plaintiff name and signature
Jason Kloepper

Wayne county, north Carolina

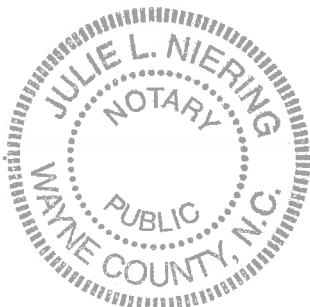
I certify that the following person personally appeared before me on this day, each acknowledging to me that he or she has signed the foregoing document.

JASON KLOEPPER
Names of principal

Date 21 Dec 2021 Julie L Niering Office seal
Official signature of notary

Notary printed name JULIE L NIERING notary public

my commission expires 4 Oct 2025



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Exhibit A

When I walked into the bathroom, I believe I took two steps, it happened so fast, my cane and legs both flew in the air. ~~and~~ I landed right on my knee and yelled loudly. The door was still closing as I fell. As I hit the ground there was another gentleman by the sink. He said "Holy shit are you ok." I said, "no I am in pain." He then stepped over me opened the door and yelled "this guy needs help." At the same time I yelled for my fiance Ali. I tried to pulling myself to the sink area to stand up but both of my hands were slipping on the floor also from the grease. At that moment my fiance, Alison and the bartender, Cody came running into the bathroom. As the bartender and my fiance were helping me up the other gentleman was saying be careful its very slippery at same time he was also shuffling his feet all over to give an example. I saw Alison's feet slipping all around us while she helped pick me up. I knew then it was slippery from grease not water. Now I have the urge to go to the bathroom even more so I grabbed the top divider of the urinal and literally slid my body and feet over to the urinal beside it while this was occurring, ~~the~~ Cody grabbed the brown paper towel and tried to wipe the floor, he turned it over, ~~he~~ had a clueless look on his face we both saw the towel was dry. I said See its not wet its Grease. He said, "Wow yeah I see." Before I walked out of the bathroom with Alison holding me on one side, the other grabbing the sink I told Cody, "Here, take my cane and try to grab grip on the floor." He took my cane and it slid all over the place he couldn't get grip with it

and he responded "Oh my God, your right this is really bad."

I limped back to my seat still in shock and pain not realizing how bad it really was. I then told the bartender to make me a really strong rum and coke for the pain. The owner came up to me and asked if I was OK and did I want to file an accident report. Again I did not realize the damage or how bad the pain was going to get. I said no. After ~~20~~ two or three minutes I asked Cody, the bartender for a bag of ice.

When he returned with the ice Jamie the owner was with him. I was taking a picture of my knee and Jamie, Cody, my fiancé and I could see the swelling and a red mark on my knee with my jeans pulled up. Two minutes later our food came out and as we ate the pain increased. At that point I asked the owner to come back because it had been 25 minutes and no one had cleaned the bathroom yet they just placed a wet floor sign. I said to her "Isn't someone going to clean that floor, before some one else falls." She said "Yes, I just sent someone to get a new mop head so it can be cleaned in a proper way. I then ask to file an accident report I told her "I am not

looking to sue anybody as long as tomorrow morning when I wake up I can still go riding and still enjoy my vacation, no harm no foul. But if I wake up tomorrow and I can not move, or ride because of my knee pain, some one will pay for my vacation

She then took all my info, the time it happened also wrote the bartender witnessed me on the floor and helped me up.

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Then she told me she would be writing up the report on computer, gave me her business card with Gallocher Bassel written on the back with their number. Own said call them tomorrow and they will have the report. She comped our meal, gave us a \$20 gift card, which insulted me.

I went to get into my truck and almost had a heart attack from the pain of bending my knee. I looked at my fiancé and said "I have to go to the hospital. She looked one up and I sucked up the pain and drove.

The hospital to x-rays and they said it was just a bruise knee cap. I told the doctors no way to much pain. They sent me to xray again. Same thing. They put on a brace and gave me an anti-inflammatory pills and told me to keep my leg elevated and ice on it and see an orthopedic on Monday. Monday was New Years Eve so they were closed, I went back to the hotel and kept my leg up. It took 8 days before I could bend my leg to drive seven hours to get home. I got home on Friday January 4th. I went to my orthopedic in Murphy on 1/8/19 he took x-rays and discovered my kneecap was broken in three places on January 5th.

JASON KLOPPER



1/8/2019

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Jamie agreed with us and said she sent someone to HomeDepot to get degreaser and a new mop head. I also went into the woman's restroom to see if it was greasy and it was.

When Jason finally felt he was able to walk to our vehicle the owner gave us the insurance company card and admitted they were at fault. When Jason tried to get into our vehicle he was in extreme pain as he drove to the nearby hospital

The hospital took x-rays and examined him saying it was a bruised knee cap but to see an orthopedic on Monday. It was New Years Eve on Monday so they were closed. We were stuck in Goldsboro for 10 days because Jason could not drive the 6 hours home due to his pain.

Upon arriving home Jason went to his orthopedic who took x-ray's and it was obvious that his knee was broken. The orthopedic told Jason that if he rested his knee and

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was mostly on bed rest he may
avoid surgery. Thankfully he did
not need surgery but he continues
to have pain in his knee since the
accident at Outback Steakhouse

Alison M. Mahler

Alison M Mahler